

# CITY OF MANISTEE PLANNING COMMISSION

## WORKSESSION AGENDA

Thursday, February 19, 2009 7:00 p.m.  
Council Chambers, City Hall  
70 Maple Street, Manistee, Michigan

I Call to Order.

II Worksession Items:

1. By-Law Review
2. To Do Lists 2009
3. Misc.

III Adjourn.

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All Planning Commission Meetings and Worksessions are open to the Public.

Worksessions are scheduled to allow the Planning Commission the opportunity to discuss in a less formal manner than a regular meeting. No motions or decisions can be made during a worksession.

The Planning Commission does not take public comment during worksessions. The public is not allowed to speak, ask questions, or express opinions on items which are being discussed during the worksession.



PLANNING AND ZONING  
COMMUNITY DEVELOPMENT  
231.398.2805  
FAX 231.723-1546  
www.ci.manistee.mi.us

## MEMORANDUM

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TO: Planning Commissioners  
FROM: Denise Blakeslee  
DATE: February 9, 2009  
RE: February 19, 2009 Worksession

Commissioners, the February Planning Commission Worksession will be on Thursday, February 19, 2009 at 7:00 p.m. in the Council Chambers. We have two items on the Agenda:

**By-Law Review** - I have enclosed the Michigan Planning Enabling Act language. The heading on the page is wrong, it is the Planning Enabling Act not the Zoning Enabling Act.

**To Do Lists 2009** - Enclosed are the To Do Lists from 2008. We will need to update them to figure out what we have to do this year.

I will be out of the office beginning at noon on Tuesday (2/10) until Tuesday (2/17). If you need anything please leave me a message and I will call you when I return.

:djb

administrative official, if any, the chief elected official, 1 or more members of the legislative body, or any combination thereof, may be appointed to the planning commission, as ex officio members, unless prohibited by charter. However, in a city, village, or county, not more than  $\frac{1}{3}$  of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission shall be as follows:

- (a) The term of a chief elected official shall correspond to his or her term as chief elected official.
- (b) The term of a chief administrative official shall expire with the term of the chief elected official that appointed him or her as chief administrative official.
- (c) The term of a member of the legislative body shall expire with his or her term on the legislative body.

(6) For a county planning commission, the county shall make every reasonable effort to ensure that the membership of the county planning commission includes a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The requirements of this subsection apply whenever an appointment is to be made to the planning commission, unless an incumbent is being reappointed or an ex officio member is being appointed under subsection (5).

(7) Subject to subsection (8), a city or village that has a population of less than 5,000, and that has not created a planning commission by charter, may by an ordinance adopted under section 11(1) provide that 1 of the following boards serve as its planning commission:

- (a) The board of directors of the economic development corporation of the city or village created under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.
- (b) The board of a downtown development authority created under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of the downtown district are the same as the boundaries of the city or village.
- (c) A board created under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of the authority district are the same as the boundaries of the city or village.

(8) Subsections (1) to (5) do not apply to a planning commission established under subsection (7). All other provisions of this act apply to a planning commission established under subsection (7).

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest,

the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

(10) An ordinance creating a planning commission may impose additional requirements relevant to the subject matter of, but not inconsistent with, this section.

History: 2008, Act 33, Eff. Sept. 1, 2008

**125.3817. Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.**

Sec. 17. (1) A planning commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under section 19.

(2) A planning commission may appoint advisory committees whose members are not members of the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008

**125.3819. Bylaws; adoption; public record requirements; annual report by planning commission.**

Sec. 19. (1) A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(2) A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

History: 2008, Act 33, Eff. Sept. 1, 2008

*Vertical Zoning* - (Review Map prepared by Denise, determine how to proceed)

**10/23/08 - New maps have been prepared for the Committee's review.**

The map shows if the property is vacant, has a permitted use, a use that would require a Special Use. This reflects the proposed change to the ordinance that Williams and Works has proposed.

E-mail has been sent to Cyndy Fuller, Lee Trucks, and Dave Carlson (DDA members) requesting them to come to the November 20, 2008 Worksession.

*View Corridors* - Review Work done to date, determine how to proceed

**10/23/08 - Discuss areas that were observed during the bus tour and determine how to proceed.**

*Condominiums* - Review Work done to date, determine how to proceed

**10/23/08 - Draft Language has been prepared for a Public Hearing.**

*Motel/Hotel Condominiums* - Discuss if should be allowed, determine how to proceed

**10/23/08 - Determine if language is needed since the person who was interested in Motel/Hotel Condominiums request has withdrawn the request.**

*Use Type 5, Industrial Signs* - Review Work done to date, determine how to proceed

**10/23/08 - Need to discuss**

*Sidewalks/Walkways* - Not required in the Zoning Ordinance, Review Chapter 1250 Improvements of Codified Ordinance to determine if language should be added to Zoning Ordinance.

**10/23/08 - Need to discuss**

*Review Key Street Segments vs Zoning Map* - Review information provided by Denise

**10/23/08 - Need to discuss**

*Wind Energy Ordinance* - Review Proposed County Ordinance to see if any changes should be made to our ordinance.

**10/23/08 - Draft Ordinance to allow low profile units going to the PC for Public Hearing.**

*Adaptive Reuse Section 1208.2.a "The building shall be consistent in scale and exterior materials with nearby existing buildings."* - Review to determine what impact this item has on the existing buildings that are larger in size than other buildings in the neighborhood. i.e. Washington School.

**10/23/08 - Need to discuss**

The following Tasks remain:

**Preface**

No additional work needed

**Chapter 1 Introduction**

*Manistee Past & Present* - Asked Steve Harold to provide historical information 1/16/08  
2007 - Update to include 2008

**Chapter 2 Existing Land Use**

*Existing Land Use Map* - Review work that was done by Intern Leigh Davis  
*Table 2-1* - Needs updating/Pending update of Existing Land Use Map  
*Vacant/Undeveloped* - Pending update of Existing Land Use Map  
*Water/Wetlands* - Pending update of Existing Land Use Map  
*The Alignment of Zoning and Land Use/Table 2-2* - Needs work and table either needs to be eliminated or completely redone. REVIEW 3/1/07 PC MEETING MINUTES

**Chapter 3 Population, Housing, Employment, and Population Projections Local and Regional Comparisons**

Did not work on this chapter, need to update chapter - obtain current housing information

**Chapter 4 Transportation**

Need to reference U.S. 31 Corridor Study  
Need to add language for air, port and rail - needed to sustain our industrial areas.  
Need to discuss relocation of the railroad and possible use as a non-motorized transportation route.  
*Street System* - Need to insert language for Major and Local Streets (Act 51 Map)  
*Local Neighborhood Streets* - Include language for the extension of 12<sup>th</sup> street from Maple To Cherry/Non-motorized Transportation Routes need to be included  
Non-motorized Transportation Routes need to be included along various streets i.e. First, Old US 31 Truck Route, Washington, Maple Etc.  
*Traffic Counts* - Need to update Data  
*Non-Motorized Pathways* - Need to reflect and reference Non-Motorized Transportation Plan.  
*Table 4-1 Traffic Counts* - Need to update or eliminate

**Chapter 5 City Utilities**

Two items need verification

**Chapter 6 Township and City - Planning Relations**

This is where the committee left off. Members were to review neighboring communities Master Plans and Envision Manistee Plan.

**REMAINING**

**Chapter 7 Guiding Issues and Plan Goals**

**Chapter 8 Future Land Use**

**Chapter 9 the Downtown (Make sure to include establishment of Historic District)**

**Chapter 10 Implementation**

1/28/09

TO Planning Commission , Ed Kriskyicz

RE: Vertical Zoning

I read with great interest the article on vertical Zoning that appeared in the paper recently. It caused me to take a little survey. Of the building in the proposed zoning area there are currently eleven that are empty. As far as I am aware there is not a list of retail stores waiting to come into the downtown Manistee area.

My second concern is this I recently invested a large amount of money into my building at 319 and 321 River St. (in the proposed zoning area) I have 2 store fronts and a number of offices. Last summer I ran an ad in the paper trying to rent one of the offices. I received one call. Did not rent it even for \$100.00 per month. I currently rent to a non retail business and in a conversation with them they indicated to me that they bring on average 500 people into the downtown area per month. I must inform you that if someone came to me and had a professional business I would rent to them and welcome them with open arms. I think all building owners in the proposed Zoning area would.

A third concern that I have is the people making these plans. I would ask them how many of them own a building in the proposed zoning area? The ones that do how do they feel about being limited as to who they can rent to? I would also point out that downtown Manistee is not a mall it is a downtown area and as such should have a wide variety of goods and services available.

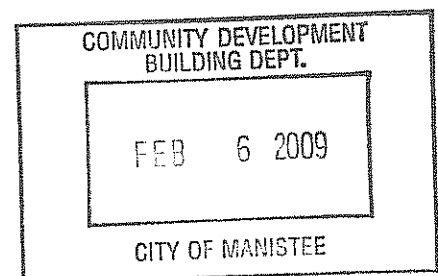
My fourth concern was raised by my banker and he indicated that if I was unable to rent to a retail establishment and because of that I sat empty he would assume a decrease in the value of my building and such I would have a wrongful decrease or taking in value.

Lastly I would ask has anyone done a inventory to determine what percentage of businesses in the proposed zoning area are service oriented and what percentage are retail in my building 66% are Service oriented.

In closing if the chamber wants a vibrant downtown area why do they not offer building owner a reduction in taxes to allow us to charge less rent and thereby create an atmosphere that welcomes new enterprises.

Sincerely

  
Donald J. Vander Weele CFP

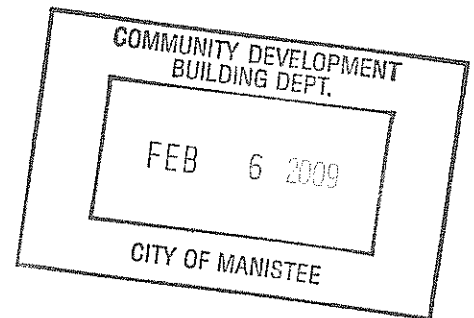


# ed kriskywicz construction design, inc.

387 river street, manistee, mi. 49660 231-723-9552 p 231.723.2702 f  
[cdi@jackpine.com](mailto:cdi@jackpine.com)  
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Date; January 31, 2009

City of Manistee, Planning Commission & DDA  
70 Maple Street  
Manistee, MI. 49660



## RE: VERTICAL ZONING

Dear Planning Commission and DDA;  
I wanted to comment on an article that I read in the Manistee News Advocate; dated January 12, 2009 regarding the Planning Commission's reviews of a vertical zoning ordinance.

Lee Trucks & Dave Carlson are the two 'fellow' DDA members working on this zoning, although I have great respect for both of them I find myself not in favor of implementing the vertical zoning ordinance from a building owner, business owner and tax payer's point of view.

I feel before the City invests such resources into an amendment change to the existing zoning ordinance, maybe some preliminary due-diligence should have taken place. I would assume that the Ordinance Rewrite (sub) Committee would have contacted the people '**most effected**' by this amendment, but this was not the case.

After reading the article I individually faxed the article, then followed up with a telephone called to the stockholders/building owners to discuss...

- Jerry Pitcher who owns three buildings and several rentable spaces;
- Gayle Busselle, owns two buildings, 3 rental spaces
- Ron Gardin, owns one building, 4 rental spaces
- Elbert Purdom, owner of one building
- Don Vanderweele, owner of one building, 2+ store fronts
- Rick Jach, owns one building with several smaller spaces
- Richard Mosher & Brad Kane (talked to Kyle Mosher on their behalf), owns 5 buildings, several rentable spaces

CONT...



These are only a part of the major stockholders/investors in 'downtown' Manistee and they knew nothing about the ordinance amendment nor were they contacted.

The message was clear, crystal clear,,, no vertical zoning. Jerry Pitcher said and I quote "I don't want the City to mandate who I can sell or rent my building too", Rick Jach made the statement "my rentals really only have adequate space to accommodate small offices" and Elbert Purdon who is involved in the MISHDA Façade Grant Program said he may not continue with his \$150,000.00 renovation if this is put in place.

I feel being proactive is a plus but with proper due-diligence could have saved a huge amount of effort, time and resources.

Other issues/statements for your consideration beyond the fact that a handful of the major stockholders disagree with the amendment are,,,

- Manistee has two existing retail stores that are closing this month, another retail store is open only 3 days a week, and Manistee has a number of vacant spaces.
- A long list of retailers waiting to enter/invest in Manistee does not exist. Real estate (along with the current economy) is not 'strong'. Some property listings have been listed for years. Building owners made an investment; this type of amendment will reduce the ability to sell and/or rent spaces, without major renovations to the structure.
- ADA (American with Disability Act) regulates accessibility to buildings and facilities by individuals with disabilities. With this said how will we be able to access the second level offices? Who would pick up the tab/expense for the required elevators/lifts, building owners?
- The City of Manistee's 'downtown' does not need additional restrictions to the existing list of permits/boards approvals and reviews, I understand that these guidelines help preserve our historic buildings but over regulations can detract development as well. If you have ever completed a building project you can understand somewhat about the permit process, now figure in signage reviews, Historic Building Commission reviews etc...

CONT...

- A mix of retail, professional & personal service businesses all contribute to 'downtown' Manistee's success and creates a strong downtown. Manistee in no way should be thought of or compared to a Mall. Most existing professional businesses that are downtown have been here for years, sometimes strong, sometimes just stable but they still exist. These building/business owners are fortunate to be able to afford the structure, and bring in clientele that may not have typically stepped foot in Manistee's downtown.
- Professional businesses deserve the same exposure as retail, this is a right and privilege at the same time.

I would like to say proactive movements like the Exterior Façade Grant Program that is currently underway will encourage more businesses, both retail & professional, a nice freshly painted building, new windows attract investors, clients and shoppers.

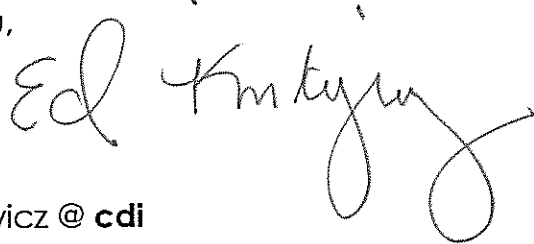
Plywood or boarded up windows and un-maintained buildings detour investors, clients and shoppers, so let's consider looking at the 'big picture', not over restricting it.

I strongly request two items/tasks,,,

1. Table this issues until a proper survey of building owners are collected;
2. A meeting prior to the public meeting is held so the building owners are informed & included into this process.

In closing I just want to say, our finest downtown building is the Ramsdell Building, built by Thomas Jefferson Ramsdell,,, an attorney. Who will be our next Thomas Jefferson Ramsdell if vertical zoning is adopted?


Thank you,



ed kriskywicz @ **cdi**

**MEMORANDUM**

**TO:** Jon Rose, Community Development Director  
City of Manistee

**FROM:** Jay Kilpatrick, AICP 

**DATE:** January 26, 2009

**RE:** Zoning Ordinance Amendments

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As requested I have reviewed the existing Zoning Ordinance and have developed the following amendments to address the River Street Overlay, accessory dwellings in the downtown area and display windows. I think I have covered everything, but will be interested in your comments and additional suggestions. Also attached I have taken the liberty of developing a form of amendment that may be used to advance these amendments to the Planning Commission and City Council, if you like.

In the remainder of this memo, I summarize the proposed adjustments to the ordinance, with one disclaimer. It seems that I no longer have a current digital version of the City's Zoning Ordinance, as you have made changes since we delivered the final draft. I do have the hard copy and I think that the attached will work with the new version, but please look over the amendments to assure they will work with the now current ordinance that you have.

**River Street Overlay.** This would add a new section to Article 15, and I have used 1505. It defines the overlay as 25-feet off the River Street ROW extending between US-31 and Pine Streets but only on the first floor level. It also limits the uses permitted to those on Denise's list, but it does make allowance for new development that might include some of the overlay area.

**SECTION 1505 RIVER STREET OVERLAY**

There is hereby established within this C-3 District a River Street Overlay which will limit the range of uses permitted to those pre-determined uses that best advance the intent of the zoning district. Specifically, the district seeks to encourage compatible retail, service and entertainment uses that strengthen a vibrant, walkable and attractive downtown experience. Some land uses permitted in the C-3 District are strongly desired within the River Street Overlay, while others may be counter-productive to this intent. Accordingly, the purpose of the River Street Overlay is to further refine the permitted uses in a defined portion of the C-3 district to those that are most supportive of the intent of the district.

- A. Overlay Boundaries. The standards of this **Section 1505** shall apply to an area defined as the first floor of properties, at the River Street grade, fronting either the north or south side of River Street from the US-31 right-of-way to the Pine Street right-of-way and extending twenty-five (25) feet in depth measured perpendicular to the front property line.
- B. Permitted Uses. The following land uses shall be permitted in the River Street Overlay and no other uses otherwise permitted either by right or as special land uses in the C-3 district shall be permitted except as provided in this Section and subject to the provisions of Article Four, Nonconformities:
  - 1. Accessory uses related to uses permitted by right, subject to **Section 516**
  - 2. Eating and Drinking Establishment
  - 3. Gallery or Museum
  - 4. Outdoor Recreation, Park
  - 5. Personal Service Establishment
  - 6. Retail Business
  - 7. Studio for Performing and Graphic Arts
  - 8. Theater
  - 9. Uses similar to uses permitted by right pursuant to this Section and subject to **Section 530**.
- C. Multiple Use Buildings. In the River Street Overlay, buildings that accommodate, or are proposed to accommodate, multiple uses may be permitted as special land uses; specifically Adaptive Reuse, subject to **Section 1807**; Mixed Use Development subject to **Section 1858**; or Planned Unit Development, subject to **Section 1870**. Provided, however, that portion of any such development which may be located within the River Street Overlay shall be limited to the uses set forth in **Section 1505, B**.

This will require coordinating amendments to the permitted uses boxes in Section 1500 as well as a further limiting clause in the introductory paragraphs of Section 1501 and 1502 and a new footnote added to Table 7-2. I would also suggest that the overlay be added to the Zoning Map as an illustrated inset.

**Upper Story Dwellings.** I have adjusted Section 1504 to liberalize the restrictions on these dwellings in C-3 (the only district where they are permitted). However, if the City wants to allow them on the first floor, it no longer makes sense to call them "upper story dwellings." Therefore, I suggest that we use the same definition, but change the term to "Commercial Accessory Dwellings." I have adjusted the restrictions on mixing uses on the same floor and hopefully this will accomplish your goals. The following are the amendments to the Definitions and to 1504 with new text highlighted and deleted text struck through.

DWELLING, COMMERCIAL ACCESSORY: A dwelling, which is considered an accessory use, located in the same building as the principal commercial use.

DWELLING, MULTIPLE UNIT: A building which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each.

DWELLING, SINGLE UNIT: A structure or building or portion thereof that is used exclusively for human habitation by one (1) family and so designed and arranged as to provide living, sleeping, sanitary, and kitchen accommodations.

DWELLING, UPPER STORY ACCESSORY: A dwelling, which is considered an accessory use, located in the same building as the principal commercial use and located on or above the second story of a building.

And...

#### **SECTION 1504 COMMERCIAL ACCESSORY ~~UPPER STORY~~ DWELLINGS**

- A. Commercial Accessory ~~Upper-story~~ dwellings, as defined herein, are permitted in existing structures within the C-3 district. New structures proposing commercial accessory ~~upper story~~ dwellings shall be governed as a mixed use.
- B. Commercial Accessory ~~Upper-story~~ dwellings shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
- C. No commercial or office use shall be located on the same floor as a residential use unless such uses are securely separated by interior partitions to effectively restrict all public access to residential areas to a secure entrance dedicated for the exclusive use of building residents and guests.
- D. No dwelling unit shall exceed a maximum of two (2) bedrooms.
- E. Each dwelling unit shall have a minimum floor area of five hundred (500) square feet.
- F. A basic site plan shall be required and reviewed by the Zoning Administrator per Section 2201, A.

**Display Windows.** This also entails a new section in Article 15, since it was my impression you wanted to permit this anywhere in C-3, not just in the River Street Overlay. It essentially exempts first floor display windows in C-3 from the off-premise sign prohibition but provides standards for the nature and upkeep of the displays.

#### **SECTION 1506 DISPLAY WINDOWS**

- A. In General. Within the C-3 District, windows on the first floor may be used to display the following items, providing total signage associated with such display does not exceed sixteen (16) square feet in area:
  - 1. Merchandise or works of art or craft regardless of whether or not such materials are produced or sold on site;
  - 2. Community service materials including, but not limited to school displays, projects or posters;
  - 3. Event displays and announcements or other materials of general interest.
- B. Such display windows shall be considered a permitted accessory use to the principal use of the building and shall not be considered a prohibited off-premise sign under **Section 2104, D.**
- C. Display windows shall be periodically maintained and updated and the Zoning Administrator shall be empowered to direct the removal of materials that are out of date, dirty or otherwise unsightly.

Let me know whether this accomplishes your objectives or if there are further changes you would like.

Att.

City of Manistee  
Zoning Ordinance Amendment  
Ordinance #\_\_\_\_\_

AN ORDINANCE TO AMEND SECTIONS 205, DEFINITIONS D; SECTION 701, OFFICIAL ZONING MAP; SECTION 704, TABLE 7-2, TABLE OF LAND USES; ARTICLE FIFTEEN, SECTION 1500, PERMITTED USES, SPECIAL USES AND ADDITIONAL STANDARDS; SECTION 1501, USES PERMITTED BY RIGHT; SECTION 1502 USES PERMITTED BY SPECIAL LAND USE PERMIT; SECTION 1504 UPPER STORY DWELLINGS; AND TO ADD NEW SECTIONS 1505, RIVER STREET OVERLAY AND 1506 DISPLAY WINDOWS.

THE CITY OF MANISTEE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Section 205, Definitions "D" is hereby amended to remove the defined term "Dwelling, Upper Story Accessory" and to add the following defined term:

DWELLING, COMMERCIAL ACCESSORY: A dwelling, which is considered an accessory use, located in the same building as the principal commercial use.

2. Section 701, A, is hereby amended to read as follows:

A. For the purposes of this Ordinance, the Zoning Districts as provided in this Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Manistee City, effective (effective date of amendment)", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.

# City of Manistee

## Zoning Map

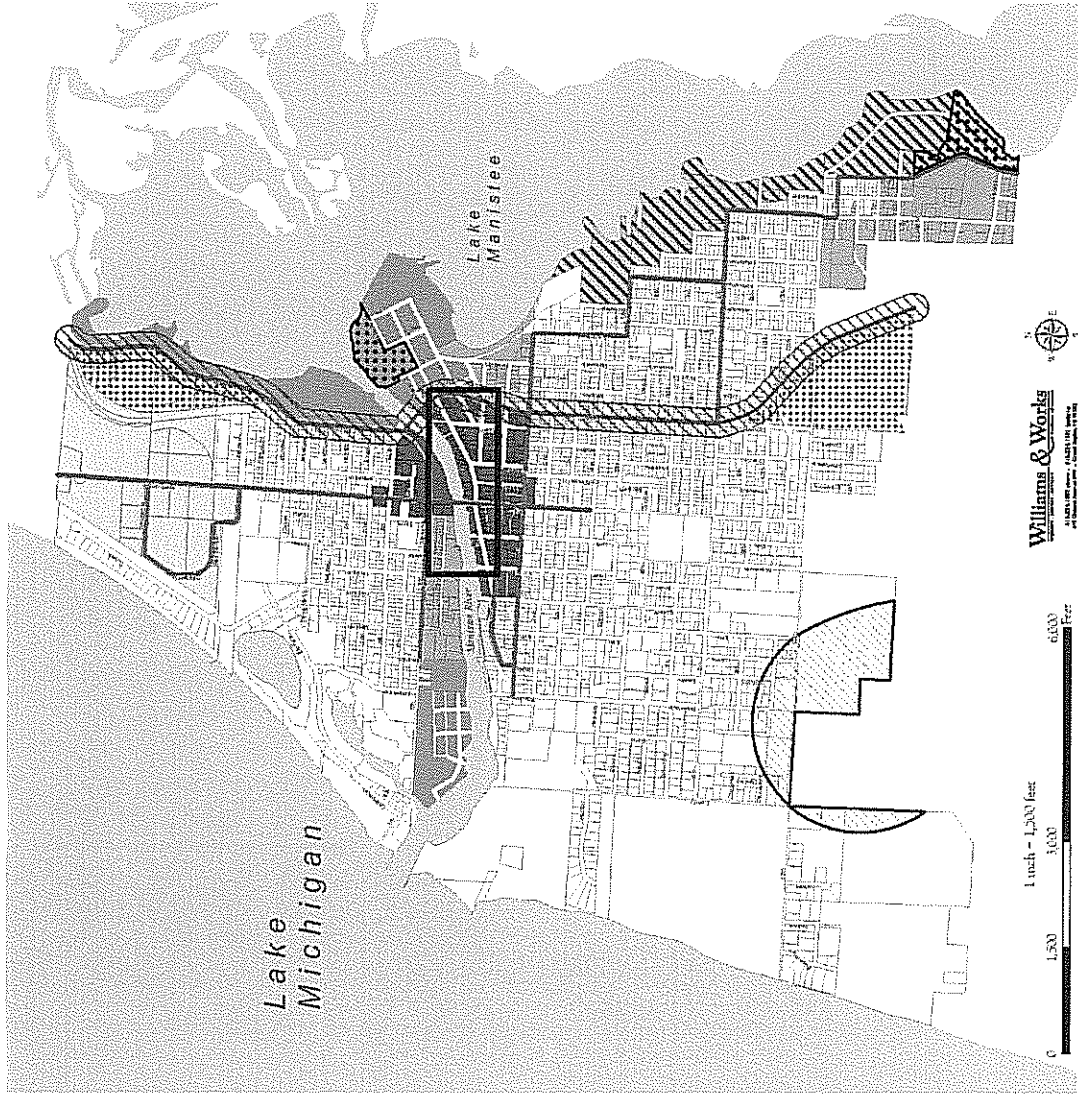
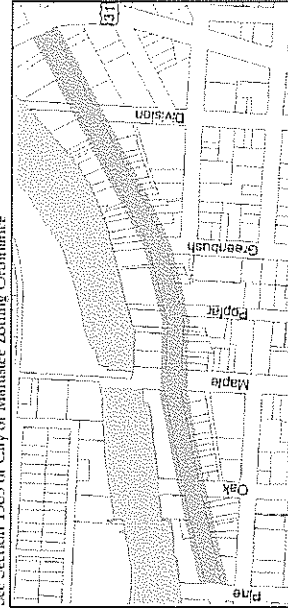
Effective \_\_\_\_\_  
Last Updated: \_\_\_\_\_

### Legend

#### Zoning

-  R-1 Low Density Residential
-  R-2 Medium Density with services and commercial
-  R-3 High Density Residential
-  C-1 Regional Commercial
-  C-2 Neighborhood Commercial
-  C-3 Central Business District
-  W-F Waterfront
-  L-1 Light Industrial
-  G-1 General Industrial
-  Key Street Segments
-  US-31 Corridor Overlay
-  Renaissance Overlay
-  Wellhead Protection Overlay

River Street Overlay: 25 feet from front property line along River Street.  
See Section 1305 of City of Manistee Zoning Ordinance





3. Section 704, Table 7-2 Table of Land Uses is hereby amended to read as follows:

Table 7-2, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

CITY OF MANISTEE – Table of Land Uses

Table 7-2 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; \* Indicates Use Permitted as Special Land Use on Key Street Segment)

USES	R-1 Low. Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hsng	W/F Water- front	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3** Central Bus.	L-I Light Industrial	G-I Gen'l Industrial
Accessory Bldg. ≤ footprint principal structure	R	R	R	R	R	R	R	R	R	R
Accessory Bldg. > footprint principal structure	SLU	SLU	SLU	SLU	SLU	R	SLU	SLU	R	R
Accessory Uses, Related to uses permitted	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU
Adaptive Reuse	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU		SLU
Adult Foster Care Facility		SLU	SLU							
Animal Grooming						R	SLU			
Assembly Operation					SLU				R	R
Automobile Repair Facility						R	SLU		R	
Bed & Breakfast	SLU	SLU	SLU		SLU			SLU		
Billboard						SLU				
Car Wash						SLU	SLU			
Cemetery									SLU	
Communication Tower			SLU		SLU	SLU			SLU	
Contractor's Facility			SLU			SLU	SLU	SLU	SLU	R
Convenience Store, w/ fuel pumps						SLU	SLU			
Convenience Store, w/o fuel pumps		SLU*	SLU*		SLU	R	R	R	SLU	
Day Care, Commercial			SLU		SLU	SLU	SLU		SLU	
Day Care, Group	SLU	SLU	R	SLU	SLU	SLU	R			

USES	R-1 Low. Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hsg	W-F Water- front	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3** Central Bus.	LI Light Industrial	G-I Gen'l Industrial
Drive-through Establishment						SLU	SLU	SLU		
Duplex	SLU	R	R	SLU	R		SLU	SLU		
Dwelling - Accessory		SLU	SLU							
Dwelling - Multiple Unit		SLU	SLU	SLU	SLU	SLU	SLU	SLU		
Dwelling - Single Unit	R	R	R	SLU	R		SLU			
Dwelling - Commercial Accessory								R		
Eating and Drinking Establishment		SLU*	SLU*		SLU	R	SLU	R	SLU	
Educational Facility		SLU*	SLU*				SLU		SLU	SLU
Financial Institution			SLU*		SLU*	R	R	R	R	
Gallery or Museum	SLU*	SLU*	SLU*		R	R	R	R		
Gasoline Station						SLU				
Golf Course	SLU									
Greenhouse and Nursery						SLU*			R	
Home Based Business	SLU	SLU	SLU		SLU		SLU			
Home Occupation, Minor	R	R	R	R	R		R	R		
Home Occupation, Major	SLU	SLU	SLU	SLU	SLU		SLU	SLU		
Hotel		SLU*	SLU		SLU	R		R	SLU	
Laundry and Dry Cleaning Establishment						SLU	SLU*	SLU	R	
Manufactured Housing Community				R						
Marina	SLU	SLU	SLU		SLU		SLU	SLU		SLU
Medical or Dental Office		SLU*	SLU*			R	R	R		
Mini/Self-Storage Facility			SLU*			SLU			R	R
Mine, Sand and Gravel						SLU			SLU	SLU
Mixed-Use Development	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU		

USES	R-1 Low Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hng	W-F Water-front	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3** Central Bus.	L-I Light Industrial	G-I Gen'l Industrial
Mortuary		SLU*	SLU*			SLU*	SLU*			
Motel					SLU*	R				
Nursing Home or Convalescent Home		SLU*	SLU*			SLU	SLU			
Outdoor Recreation, Park	R	R	R	R	R	R	R	R	R	R
Outdoor Sales Facility						SLU*	SLU*			
Parking Facility, Public					SLU	SLU		SLU		
Personal Service Establishment		SLU	SLU		R	R	R	R		
Place of Public Assembly - Large		SLU*	SLU*		SLU*	SLU*	SLU*	SLU*	SLU*	
Place of Public Assembly - Small	SLU	SLU*	SLU*		R	R	R	R		
Planned Unit Development	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Power Generating Facility										SLU
Processing and Manufacturing									SLU	R
Professional Office		SLU*	SLU*		R	R	R	R	R	R
Professional Service Establishment		SLU*	SLU*		R	R	R	R	R	R
Research, Testing and Laboratory									R	R
Retail Business		SLU*	SLU*		R	R	R	R		
Sexually Oriented Business						SLU				
Shipping Facility					R					R
Sports and Recreation Club	SLU				SLU*	R	SLU*	SLU*	SLU*	
Studio for Performing and Graphic Arts		SLU*	SLU*		SLU	R	R	R		
Subdivision, Plat or Condo. (of permitted uses)	R	R	R	R	R	R	R	R	R	R
Tattoo Parlor						SLU				
Theater					SLU*	R	SLU*	R	SLU*	
Urgent Care Facility						R				

USES	R-1 Low. Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hsng	W-F Water- front	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3** Central Bus.	L-1 Light Industrial	G-1 Gen'l Industrial
Uses similar to uses permitted by right or as special land uses	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU
Veterinary Clinic						R	SLU		R	
Warehouse, Public					SLU	SLU			R	R
Wells, Extraction									SLU	SLU
Wholesale Facility						R			R	
Wind Energy Conversion System			SLU						SLU	SLU

\*\* See Section 1505, River Street Overlay, for further limitations on permitted and special land uses within the defined overlay.

4. Section 1500, Central Business District is hereby amended to read as follows:

#### **SECTION 1500      PURPOSE AND INTENT**

It is the intent of this District to protect and strengthen the commercial core of the City of Manistee as a regional and specialty shopping, service and entertainment area; to encourage a broad range of compatible retail, service, entertainment and residential uses formed vibrant, walkable and attractive districts in concert with the objectives of the Master Plan and Downtown Development Authority Plan; while establishing standards to manage traffic and parking, operational impacts, parking and shared parking, loading/unloading area, landscaping, and building form intended to compliment existing commercial uses and surrounding residential neighborhoods.

##### **PERMITTED USES\***

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal structure
- ◆ Accessory uses related to uses permitted by right
- ◆ Convenience Store w/o fuel pumps
- ◆ Dwelling, Commercial Accessory, subject to Section 1504
- ◆ Eating and Drinking Establishment
- ◆ Financial Institution
- ◆ Gallery or Museum
- ◆ Home Occupation, Minor, subject to Section 1847, B, 1.
- ◆ Hotel
- ◆ Medical or Dental Office
- ◆ Outdoor Recreation, Park
- ◆ Personal Service Establishment
- ◆ Place of Public Assembly, Small
- ◆ Professional Office
- ◆ Professional Service Establishment
- ◆ Retail Business
- ◆ Studio for Performing and Graphic Arts
- ◆ Subdivision, Plat or Condo (of permitted uses)
- ◆ Theater
- ◆ Uses similar to uses permitted by right, subject to Section 530.

\* Subject to Section 1505, River Street Overlay

##### **SPECIAL USES\***

- ◆ Accessory buildings with floor area greater than the footprint of the principal structure
- ◆ Accessory uses related to special uses
- ◆ Adaptive Reuse
- ◆ Bed & Breakfast
- ◆ Contractor's Facility
- ◆ Drive-through Establishment
- ◆ Duplex
- ◆ Dwelling, Multiple unit
- ◆ Home Occupation, Major
- ◆ Laundry and Dry Cleaning Establishment
- ◆ Marina
- ◆ Mixed Use Development
- ◆ Parking Facility, Public
- ◆ Place of Public Assembly, Large
- ◆ Planned Unit Development
- ◆ Sports and Recreation Club
- ◆ Uses similar to permitted special uses

\* Subject to Section 1505, River Street Overlay

### ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to **Section 2203**, except for upper story dwellings, which are subject to **Section 2201, A.**
- ◆ Vehicular Parking Space, Access and Lighting requirements subject to **Section 514.**
- ◆ Landscaping requirements subject to **Section 531**
- ◆ Signage requirements subject to **Article 21**
- ◆ Outdoor Lighting requirements, subject to **Section 525**
- ◆ U.S. 31 Corridor Overlay District requirements, subject to **Article 19**
- ◆ River Street Overlay, subject to **Section 1505**

### DISTRICT REGULATIONS <sup>(b)</sup>

Minimum Lot Area:	2,500 sq. ft.	Minimum Lot Width:	25 ft.
Maximum Dwelling Units/Acre <sup>(a)</sup>		Max. Building Height	4 stories, or 50'
Minimum Building Setbacks		Maximum Lot Coverage	100%
Front <sup>(c)</sup>	0 ft.	Waterfront Yard	20 ft
Side <sup>(d) (e)</sup>	0 or 4 ft. (each side)	Minimum Living Area	500 sq. ft.
Rear <sup>(e)</sup>	6 ft.		

<sup>(a)</sup> Not more than three units per each fifteen hundred (1,500) square feet of building envelope

<sup>(b)</sup> Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

<sup>(c)</sup> Subject to **Section 502, G**

<sup>(d)</sup> Where a building is not proposed to be sited on the side lot line, a minimum yard of four (4) feet shall be provided.

<sup>(e)</sup> When a proposed commercial use is contiguous to a parcel in the R-1, R-2 or R-3 districts, the Planning Commission may require an additional buffer consisting of a ten (10) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof.

5. **Section 1501, Uses Permitted by Right** is hereby amended to read as follows:

#### **SECTION 1501      USES PERMITTED BY RIGHT**

The following uses of buildings and land shall be permitted within the C-3 District subject to the provisions of **Article 22**, Site Plan Approval and **Section 1505**, River Street Overlay.

- A. Accessory buildings with floor area less than or equal to the footprint of the principal structure
- B. Accessory uses related to uses permitted by right, subject to **Section 516**
- C. Convenience Store, without fuel pumps.
- D. Dwelling, Upper Story Accessory subject to **Section 1504**

- E. Eating and Drinking Establishment
- F. Financial Institution
- G. Gallery or Museum
- H. Home Occupation, Minor subject to Section 1847, B, 1
- I. Hotel
- J. Medical or Dental Office
- K. Outdoor Recreation, Park
- L. Personal Service Establishment
- M. Place of Public Assembly, Small
- N. Professional Office
- O. Professional Service Establishment
- P. Retail Business
- Q. Studio for Performing and Graphic Arts
- R. Subdivision, Plat or Condo (of permitted uses)
- S. Theater
- T. Uses similar to uses permitted by right, subject to Section 530.

6. Section 1502, Uses Permitted by Special Land Use Permit is hereby amended to read as follows:

## **SECTION 1502      USES PERMITTED BY SPECIAL LAND USE PERMIT**

The following uses of buildings and land may be permitted within the C-3 District, as special land uses subject to the provisions of Article 18, special land use approval and Section 1505, River Street Overlay.

- A. Accessory buildings with floor area greater than the footprint of the principal structure, subject to Section 1804
- B. Accessory uses related to special uses, subject to Section 1805
- C. Adaptive Reuse, subject to Section 1807
- D. Bed & Breakfast, subject to Section 1813
- E. Contractor's Facility, subject to Section 1820
- F. Drive-through Establishment, subject to Section 1828
- G. Duplex, subject to Section 1829
- H. Dwelling, Multiple Unit, subject to Section 1832
- I. Home Occupation, Major, subject to Section 1847
- J. Laundry and Dry Cleaning Establishment, subject to Section 1850

- K. Marina, subject to **Section 1852**
- L. Mixed Use Development, subject to **Section 1858**
- M. Parking Facility, Public, subject to **Section 1865**
- N. Place of Public Assembly, Large, subject to **Section 1868**
- O. Planned Unit Development, subject to **Section 1870**
- P. Sports and Recreation Club, subject to **Section 1880**
- Q. Uses similar to permitted special uses, subject to **Section 1886**

7. **Section 1504, Upper Story Dwellings** is hereby amended to read as follows:

#### **SECTION 1504      COMMERCIAL ACCESSORY DWELLINGS**

- G. Commercial Accessory dwellings, as defined herein, are permitted in existing structures within the C-3 district. New structures proposing commercial accessory dwellings shall be governed as a mixed use.
- H. Commercial Accessory dwellings shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
- I. No commercial or office use shall be located on the same floor as a residential use unless such uses are securely separated by interior partitions to effectively restrict all public access to residential areas to a secure entrance dedicated for the exclusive use of building residents and guests.
- J. No dwelling unit shall exceed a maximum of two (2) bedrooms.
- K. Each dwelling unit shall have a minimum floor area of five hundred (500) square feet.
- L. A basic site plan shall be required and reviewed by the Zoning Administrator per **Section 2201, A**.

8. **Article Fifteen** is hereby amended to add the following **Sections 1505, River Street Overlay, and 1506 Display Windows**:

#### **SECTION 1505      RIVER STREET OVERLAY**

There is hereby established within this C-3 District a River Street Overlay which will limit the range of uses permitted to those pre-determined uses that best advance the intent of the zoning district. Specifically, the district seeks to encourage compatible retail, service and entertainment uses that strengthen a vibrant, walkable and attractive downtown experience. Some land uses permitted in the C-3 District are strongly desired within the River Street Overlay, while others may be counter-productive to this intent. Accordingly, the purpose of the River Street Overlay is to further refine the permitted uses in a defined portion of the C-3 district to those that are most supportive of the intent of the district.



- A. **Overlay Boundaries.** The standards of this **Section 1505** shall apply to an area defined as the first floor of properties, at the River Street grade, fronting either the north or south side of River Street from the US-31 right-of-way to the Pine Street right-of-way and extending twenty-five (25) feet in depth measured perpendicular to the front property line.
- B. **Permitted Uses.** The following land uses shall be permitted in the River Street Overlay and no other uses otherwise permitted either by right or as special land uses in the C-3 district shall be permitted except as provided in this Section and subject to the provisions of Article Four, Nonconformities:
1. Accessory uses related to uses permitted by right, subject to **Section 516**
  2. Eating and Drinking Establishment
  3. Gallery or Museum
  4. Outdoor Recreation, Park
  5. Personal Service Establishment
  6. Retail Business
  7. Studio for Performing and Graphic Arts
  8. Theater
  9. Uses similar to uses permitted by right pursuant to this Section and subject to **Section 530**.
- C. **Multiple Use Buildings.** In the River Street Overlay, buildings that accommodate, or are proposed to accommodate, multiple uses may be permitted as special land uses; specifically Adaptive Reuse, subject to **Section 1807**; Mixed Use Development subject to **Section 1858**; or Planned Unit Development, subject to **Section 1870**. Provided, however, that portion of any such development which may be located within the River Street Overlay shall be limited to the uses set forth in **Section 1505, B**.

## **SECTION 1506      DISPLAY WINDOWS**

- A. **In General.** Within the C-3 District, windows on the first floor may be used to display the following items, providing total signage associated with such display does not exceed sixteen (16) square feet in area:
1. Merchandise or works of art or craft regardless of whether or not such materials are produced or sold on site;
  2. Community service materials including, but not limited to school displays, projects or posters;
  3. Event displays and announcements or other materials of general interest.
- B. Such display windows shall be considered a permitted accessory use to the principal use of the building and shall not be considered a prohibited off-premise sign under **Section 2104, D**.
- C. Display windows shall be periodically maintained and updated and the Zoning Administrator shall be empowered to direct the removal of materials that are out of date, dirty or otherwise unsightly.

**9. Severability.**

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

**10. Effective Date.**

This Ordinance shall be come effective eight (8) days after publication.

**City of Manistee**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
City, Clerk

Published Date: \_\_\_\_\_, 2009

Effective Date: \_\_\_\_\_, 2009